



HIGH RIDING *Country Estate*

High Riding Estate Home Owners' Association

P O Box 3069
Somerset West
7129

High Riding Estate Rules

1. Fire Regulations

- a. No person shall perform any actions on the communal property which may increase the risk of veld fires. If in doubt clarify with Exco.
- b. Residents must adhere to the Fire Danger Index (FDI) as displayed at the Estate Entrance. Notably, if the risk is indicated as Orange or Red no activity (including those performed by outside contractors) that could cause sparks/fires are allowed on the Estate.
- c. All persons must observe the Helderberg Municipality Department's regulations requiring a permit to burn garden refuse and must adhere to the Fire Regulations.
- d. A valid permit to burn must be sent to Exco and/or the convenor of the Fire Committee before any burning can commence.
- e. Owners must comply with all stipulated regulations shown in the permit.
- f. It is owners' responsibility to keep their properties clear of any objects that could be regarded as high fuel load.

2. Communal Area, Open Spaces and Environment Control

- a. No person shall collect or take material from the communal property or any other erf in the estate, including wood, stones, flora and fauna or remains of fauna without obtaining permission from Exco.
- b. No person shall do anything that detrimentally affects the Association's assets, amenities, flora or fauna of the Estate or unreasonably interfere with the use and enjoyment of the Communal Area.
- c. No person shall discard any litter or any item of any kind whatsoever in the Communal Area or Open Spaces in the Estate except in refuse containers provided for this purpose by Exco.
- d. No camping shall be permitted anywhere on the common areas of the Estate.
- e. No fires shall be lit in the Communal Area or Open Spaces in the Estate, except in such places as may be designated for this purpose by Exco. (See also Fire Regulations above.)
- f. No person shall do any gardening or landscaping on the Communal Area without the express prior written agreement of Exco in regard to the nature and extent of such gardening or landscaping activity. No person shall, unless authorized by Exco to do so, pick, cut or plant flowers, trees or plants in the Communal Area.
- g. Subject to any law or regulation made in terms of the Environment Conservation Act No 73 of 1989, or any permit granted in terms of this act or the Environment Conservation Act No 100 of 1989, Exco shall be entitled to prohibit access to any part of the Communal Area in order to preserve the natural flora and fauna. No person shall enter such area without the written consent of Exco.
- h. The driving of motorized vehicles in the Communal Area is confined to roads and driveways.
- i. Motorized vehicles are not allowed on bridle paths except emergency, security and maintenance vehicles or where owners have an appropriate right of way as per their title deeds.
- j. Horses shall have the right of way on bridle paths and roads.
- k. No person shall discharge a firearm anywhere in the Estate, except in self-defence or in the defence of any other person or for protection of property.

- l. Hunting is prohibited in the Estate and the trapping of birds and animals and the setting of snares are specifically prohibited.

3. Traffic and Pedestrians

- a. No person shall drive on any road in the Estate at a speed in excess of 40km per hour. Exco may change the speed limit where appropriate. Users of the Estate's roads must comply with the provisions of the Cape Provincial Traffic Ordinance No 21/1966 (as amended) as though the Estate's roads were public roads as defined in terms of Section 1 of the Ordinance.
- b. Only persons who hold a valid driver's license, that would permit them to drive a vehicle on a public road within South Africa, shall be allowed to drive such vehicle in the Estate.
- c. No person shall drive or ride a vehicle in such a manner anywhere on the Estate that would constitute an offence or danger under any relevant traffic ordinance.
- d. All vehicles must have a sufficient silencer system fitted.
- e. Motor cycles may only be driven to or from the entrance gates for purpose of exit from or entry into the Estate.
- f. Animals, birds and wildlife shall have the right of way at all times within the Estate and vehicles shall be brought to a stop whenever necessary.
- g. Vehicles shall enter or leave the Estate at the entrance gate only, except in special circumstances and then only with the consent of the Exco.
- h. All vehicles entering the Estate shall stop at the vehicle entrance.
- i. No vehicle driven by a person not registered on the Estate's access system shall enter the Estate unless admitted by the guard on duty at the gate.
- j. No member shall permit the use of a device for operating the vehicle entrance gate by any person other than a member of his family, tenants or guests.
- k. All Members and tenants are required to advise Security at the entrance gate to admit any visitors (including members of their family) to the Estate, giving the name(s) of the person(s) to be admitted and the approximate time of arrival. Failing this the Security Officer will, when approached by any person for entry to the Estate, telephone the destination point for instructions. Entry will be refused if the above process cannot be concluded satisfactorily.
- l. Non-essential deliveries are not permitted on Sundays and public holidays, nor before 07h00 and after 18h00 on weekdays nor before 07h00 and after 15h00 on Saturdays.
- m. Any owner/resident requiring delivery to the Estate by multi-link or double-axle vehicles must first obtain the permission of Exco so that any damage can be assessed and the owner/resident charged for the repair thereof.
- n. Exco may, by means of appropriate signage designed specifically for the Estate, give directions as to the use of roads or any portion of the roads or Communal Area and should any person fail to obey this signage it shall be deemed a contravention of these Estate Rules.
- o. No helicopters or any means of aerial conveyance may be landed at any place in the Estate without the approval of the Exco except in the case of emergencies.

4. Refuse

- a. Each owner shall ensure that all refuse is taken from her/his property to the designated areas and no person may discard refuse on the common property.
- b. The removal of domestic, garden and other refuse shall be under the control of the Association which, from time to time, shall give written notice to all Members on matters relating to refuse removal including the following:
 - The size and type of refuse containers to be obtained and used.
 - Directions regarding the placing of refuse containers for collection.
- c. All refuse, whether domestic or garden, must be kept in containers and out of sight of neighbours and road traffic except when put out on the day of collection.
- d. Where any item of refuse is of such a nature that it cannot be conveniently removed by the refuse removal services provided or arranged by Exco, instructions may then be given by Exco regarding the manner in which such refuse must be removed.
- e. Items kept for possible future use or later removal must be stored in an acceptable screened off area.
- f. No items of refuse of any kind may be deposited by any resident at the guard house.

5. Domestic Animals

- a. All animals must be kept in a suitable, secure enclosure with a secure gate. It is owners' responsibility to ensure that any animal kept on her/his property does not stray off it.
- b. Should any animal, kept on the Estate, prove to be a continual nuisance to other residents, Exco may call on the

owner of the property to remove it. If, in the opinion of Exco, the owner fails to comply or refuses to do so Exco may impose penalties or arrange for its removal from the Estate, and recover any costs from the handler concerned without prejudice to its rights to recover any penalty imposed.

- c. No person shall keep pets or animals that are a danger or a nuisance to other Members in the opinion of Exco.
- d. No dog shall be allowed off the Owner's property unless under strict control. Specific care should be taken to keep dogs on leashes and under control when encountering horses or other residents.
- e. No pigs may be kept on the Estate unless as pets. No breeding with pigs is permitted.

6. Dam

- a. No person shall launch any boat or craft of any description that is powered by a motor on the Estate's dam.
- b. No person shall pollute or permit the pollution of the dam or streams within the Estate by any substance, which may in any manner be injurious to plant, animal or bird life or which may in any way be unsightly.
- c. No person shall discard any litter of any nature whatsoever in the dam and streams of the Estate.
- d. Fishing is permitted in the dam.

7. Letting, Resale and Occupation of Properties by Members' Guests/Tenants

- a. No "For Sale" or "Show House" or "Sold" signs whatsoever shall be allowed in the Estate. All signs shall be displayed at a place designated by the Exco.
- b. Estate/property agents must personally accompany prospective buyers or tenants into the specific property.
- c. Owners who decide to sell or let their properties shall inform their prospective buyers or tenants of the existence of the Association's Constitution, Design Guidelines (now called Design Regulations in the Revised Constitution (2020)) and Estate Rules.
- d. An Owner who is letting a property is obliged to supply the tenants with copies of the Constitution and Estate Rules.
- e. Where the Member himself sells or lets his property, the provisions of b above shall also apply to him.
- f. An owner shall notify the association of any change of ownership or change of tenancy.

8. Conduct on the Estate

- a. No garments, household linen or washing of any nature may be hung out or placed anywhere to dry except in a drying yard or such area designated for such a purpose. Washing lines, twirly-driers, etc., must be below the level of the yard walls.
- b. The lighting of fireworks is not permitted in the Estate.
- c. No unauthorized persons are allowed onto building sites under construction.
- d. No person shall make or cause to make any unacceptable disturbance or excessive noise which constitutes a nuisance to other persons including the following:
 - Burglar alarms must comply with any specific regulations, which in the opinion of Exco may be determined from time to time.
 - The use of noisy machinery or power tools, in the open, outside of normal working hours must be avoided other than in an emergency, such as an electricity outage.
- e. All undue noise must cease at 23h00.
- f. Members must ensure that their children and the children of their families, employees, tenants, invitees and guests do not pose a safety threat to themselves or to any person or driver in the Estate. Tenants shall have the same responsibility as regards their families, employees, invitees and guests.
- g. Whenever the Exco receives a written complaint from a Member relating to behaviour of any persons in the Estate, Exco shall investigate appropriately and take steps required within the scope of the Estate Rules and the Constitution. Exco is not prevented by this clause from taking action on its own initiative if evidence of behaviour, which in the opinion of Exco is unacceptable, should come to its attention from a source other than a written complaint.
- h. Any person who interferes with, endangers or undermines the activities of the Estate's appointed security staff can be fined by Exco.
- i. No person shall do anything or cause anything to be done which constitutes unacceptable behaviour or which may affect good order in the Estate.
- j. All persons in the Estate shall abide by the Association's emergency regulations as determined by the Exco from time to time. Failure to do so may result in a fine or penalty.

9. Commercial Activity

- a. Commercial activity in the Estate is regulated by the CoCT Zoning and By-Laws under the definition of 'Home

Occupation' as well as by the Constitution and includes the following:

- No advertising board may be displayed anywhere in the Estate other than the standard architectural building board during construction.
- No door-to-door selling by outside traders is permitted in the Estate.

10. Security Access Control

- a. Owners are responsible for arranging security access for any visitors, workers and contractors. Owners are also responsible for ensuring such visitors' conduct is in line with the Constitution, Regulations and Estate Rules whilst on the Estate.

11. Building Operations

- a. Before building operations can commence, a set of CoCT Building Management approved building plans, as defined in the Design Regulations/Constitution, must be submitted to Exco via the Managing agents in digital format for record purposes. Municipal approval is subject to approval in accordance with the Constitution and Design Regulations. If building operations commence without the requisite approvals the owner will be required by Exco to stop all such building operations. If the owner fails to comply or refuses to do so Exco may impose penalties and recover any costs from the owner concerned on an attorney and client scale without prejudice to its rights to recover any penalty imposed.
- b. Before building operations can commence, a permanent water meter, temporary toilet and a refuse container for all building refuse, plastic/cement bags, etc., must be installed. (It is a Municipal Health Regulation that builders provide toilets for their workers).
- c. During building operations, contractors and their workers shall not cause any inconvenience to residents of the Estate.
- d. All building materials, containers, etc., must be removed once building operations have been completed.
- e. No construction work or alterations to properties may be carried out on Sundays or public holidays, nor before 07h00 and after 18h00 on weekdays nor before 07h00 and after 13h00 on Saturdays.

12. Buildings and Gardens

- a. Members shall not neglect their buildings or landscape/gardens, allowing them to become in disrepair or untidy and thereby degrade the environment or value of property within the Estate. Exco will notify a defaulting owner of the transgression and inform the owner what actions need to be taken to rectify the issue and within what timeline. If the owner does not rectify the issue Exco will levy appropriate fines.
- b. No owner shall be entitled to make any alteration of a structural nature to the exterior or interior of any structure as defined in the CoCT By-Laws unless approved by the Scrutiny Architect and Exco in writing.

13. Contraventions, Fines and Penalties

- a. Any person who contravenes or fails to comply with any provision of these Estate Rules, or any conditions imposed by or directions given in terms of the Estate Rules shall be deemed to have breached these Estate Rules, shall receive a warning and thereafter be penalised, if the breach continues. This will be subject to any penalties imposed by Exco having regard to the circumstances and which may include the imposition of a fine.
- b. In the event of a continuing offence, any person subject to these Estate Rules who contravenes or fails to comply with any of their provisions, or any condition or direction given in terms thereof shall be liable in respect of each separate offence.
- c. Any fine imposed on a Member in terms of a. and b. shall be a debt due and payable to the Association and such fine or penalty shall be included in the monthly statement.
- d. Should a Member fail or refuse to comply with these Estate Rules, Exco may take appropriate action in the circumstances and recover from the Member any costs incurred in taking such action without prejudice to its rights to recover any fines or other penalties imposed.
- e. In the event of instituting any legal proceedings against any member or resident within the scheme for the enforcement of any of the rights of the Association in terms hereof, the Association shall be entitled to recover all legal costs so incurred from the member or resident concerned, calculated as between attorney and client.
- f. In the event of any breach of the Estate Rules by the members of any member's household or his guests or lessee, such breach shall be deemed to have been committed by the member himself, but without prejudice to the foregoing, Exco may take or cause to be taken such steps against the person actually committing the breach that in its discretion is deemed fit.